

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

THE BOARD OF TRUSTEES, in their ) No. C 10-01492 EDL  
capacities as Trustees of the CEMENT ) No. C 10-01493 EDL  
MASONS HEALTH AND WELFARE TRUST )  
FUND FOR NORTHERN CALIFORNIA, )  
CEMENT MASONS PENSION TRUST FUND )  
FOR NORTHERN CALIFORNIA, CEMENT )  
MASONS VACATION/HOLIDAY TRUST )  
FUND FOR NORTHERN CALIFORNIA, )  
CEMENT MASONS APPRENTICESHIP AND )  
TRAINING TRUST FUND FOR NORTHERN )  
CALIFORNIA, )

Plaintiffs,

v.

PAUL T. BECK CONTRACTORS, INC., A  
California Corporation,

Defendant.

**ORDER ON STIPULATED REQUEST  
TO MODIFY THE PRETRIAL ORDER**

THE BOARD OF TRUSTEES, in their ) No. C 10-01493 EDL  
capacities as Trustees of the LABORERS )  
HEALTH AND WELFARE TRUST FUND )  
FOR NORTHERN CALIFORNIA; )  
LABORERS VACATION-HOLIDAY TRUST )  
FUND FOR NORTHERN CALIFORNIA; )  
LABORERS PENSION TRUST FUND FOR )  
NORTHERN CALIFORNIA; and LABORERS )  
TRAINING AND RETRAINING TRUST )  
FUND FOR NORTHERN CALIFORNIA, )

Plaintiffs,

v.

PAUL T. BECK CONTRACTORS, INC, a  
California Corporation.

Defendant.

**ORDER ON STIPULATED REQUEST TO CONSOLIDATE ACTIONS AND TO MODIFY THE PRETRIAL  
ORDER**

Case No. C 10-01492 (EDL)

Pursuant to Local Rule 7-12, Plaintiffs, the Board of Trustees, in their capacities as Trustees of the Cement Masons Health and Welfare Trust Fund for Northern California, Cement Masons Pension Trust Fund for Northern California, Cement Masons Vacation-Holiday Trust Fund for Northern California, and Cement Masons Apprenticeship and Training Trust Fund for Northern California (hereinafter "Plaintiffs") and Defendant Paul T. Beck Contractors, Inc. (hereinafter "Defendant"), by and through the undersigned counsel, have filed a stipulated request that the Court consolidate four actions pending before multiple judges of this district (10-1492-EDL, 10-1493-EDL, 10-5539-SI, and 10-5540-TEH), and modify the pretrial orders governing the consolidated cases. The Court Orders as follows:

1. Request for Consolidation: Federal Rule of Civil Procedure 42(a) provides that: "If actions before the court involve a common question of law or fact, the court may: (1) join for hearing or trial any or all matters at issue in the actions; (2) consolidate the actions; or (3) issue any other orders to avoid unnecessary cost or delay." In exercising its broad discretion to order consolidation, a district court "weighs the saving of time and effort consolidation would produce against any inconvenience, delay, or expense that it would cause." Huene v. U.S., 743 F.2d 703, 704 (9th Cir.1984). While it appears that the consolidation of the four cases may well be appropriate later, the Court cannot consolidate unrelated cases not currently before it. No party has requested that cases 10-5539-SI and 10-5540-TEH, assigned to other judges of this district, be related to the cases currently before this Court. If the parties want the Court to consider consolidation, they must first file a motion or stipulated request to relate cases pursuant to Local Rule 3-12 and then request consolidation.

The Court notes that there is a pending motion to amend the complaints in cases 10-1492 and 10-1493, and amendment of these complaints could potentially impact whether relation and/or consolidation of the cases is appropriate. The Court has been informed that the parties have not stipulated to amendment, and the parties should address how amendment of the complaints impacts their motion or request to relate the cases. The Court's decision on relation and/or consolidation may be postponed until after its ruling on the motion to amend.

2. Request to Modify Pre-Trial Order: The Court hereby modifies the initial Case Management and Pretrial Order for Court Trial (Dkt. No. 18) (hereinafter "Pretrial Order") for cases 10-1492 and 10-1493 as follows:

July 27, 2011	Initial expert disclosures
August 1, 2011	Last day to supplement and/or correct previously made disclosures
August 10, 2011	Rebuttal expert disclosures
August 29, 2011	Discovery cut-off
August 29, 2011	Expert discovery cut-off
October 28, 2011	Last day to complete mediation pursuant to Court Order.
November 1, 2011	Last day to hear dispositive motions
January 6, 2012	Last day to meet and confer prior to the pretrial conference
January 16, 2011	Last day to file joint pretrial statement including pretrial disclosures; serve and file trial briefs and motions in limine; serve and file an exhibit list and exchange exhibits
January 26, 2011	Last day to file objections to exhibits and witnesses or oppositions to motions in limine
February 7, 2012	Pretrial conference and hearing on motions in limine
February 27, 2012	Court trial

The Court will address the pre-trial schedule in the other cases if and when the cases are related to and consolidated with the cases currently before the Court.

**IT IS SO ORDERED.**

Dated: June 1, 2011

  
 ELIZABETH D. LAPORTE  
 United States Magistrate Judge